



APPEALS HEARING BOARD

THURSDAY, NOVEMBER 12, 2015

Evening Session 6:30 p.m.
Council Chambers, City Hall

200 E. Santa Clara Street
San Jose, California

David Parker, Chair
Ron Cabanayan, Vice Chair
Rajwant Bains Andrew Ditlevsen
Timothy Kenny Karen Parsons
Robyn Shearin

Harry Freitas, Director
Planning, Building and Code Enforcement

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To request an accommodation or alternative format for City-sponsored meetings, events or printed materials, please call (Karla Cáceres at 408-535-7720) or 408-294-9337 (TTY) as soon as possible, but at least three business days before the meeting/event.

NOTICE TO THE PUBLIC

Good evening, my name is David Parker and I am the Chair of the Appeals Hearing Board. On behalf of the entire Board, I would like to welcome you to the Appeals Hearing Board meeting of October 8, 2015.

When addressing the Board, you will first need to identify yourself and state your address for our records. Then you will be sworn in. Please make sure you fill out a speaker's card first and hand the card to the Board Secretary.

The procedure for this hearing is as follows:

- The Board Secretary will take roll, after the Chair has read the opening remarks. The board will then conduct a vote on the approval of minutes from the meeting of October 8, 2015.
- City staff will present testimony on the City's case for each item.
- After City staff's testimony the property owner or his/her representative will give testimony. Then the Board will hear testimony from other interested parties. All items submitted to the Board will be retained as evidence. We urge witnesses to testify only on those issues raised by the administrative action.
- Board members frequently ask questions. Please try to answer the questions directly.
- After the testimony the public hearing will be closed and the Appeals Hearing Board will take action on the item.
- Copies of the agenda have been placed on the table near the door for your convenience. A complete packet of the documents pertaining to the items on tonight's agenda is available to review on the desk by the Commission Secretary.
- Please turn off cell phones and pagers.

Board Mission Statement: To have a fair and objective hearing to determine violations, encourage compliance, and to hear all appeals delegated by City Council for City Administrative Action by considering all evidence presented and making an appropriate ruling based on Code for the purpose of maintaining and improving the quality of life in San Jose.

AGENDA
ORDER OF BUSINESS
6:30 PM SESSION

1. ROLL CALL AND OPENING REMARKS

2. APPROVAL OF MINUTES

- a. Recommendation: Approval of minutes for October 8, 2015.

3. REQUESTS FOR DEFERRALS

4. PUBLIC HEARINGS CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar hearing as they are considered to be routine by the Appeals Hearing Board and will be adopted by one motion. If a member of the Board, staff, or public requests discussion on a particular item, the item will be removed from the Consent Calendar and considered separately.

- a. **[1505 MCGUINESS AVE \(488-07-029\) SUMMARY ABATEMENT](#)**
(Tony Gonzalez, Inspector/ Luella Mae Riley & Richard E Riley “Property Owner”)

The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement and affirm the abatement to secure one (1) window opening was broken and unable to be secured. Code Enforcement Division found it necessary to secure the one (1) window opening to prevent unauthorized entry. Recommendation: To affirm the summary abatement action as set forth in the staff report.

- b. **[739 WEST JULIAN STREET \(261-01-094\) SUMMARY ABATEMENT](#)**
(Tony Gonzalez, Inspector/ Speno Enterprises LP Speno Enterprises LP Agent for Service of Process: Anthony Speno “Property Owner”)

The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement and affirm the abatement to secure five (5) door openings and one (1) wall opening to prevent unauthorized entry. Recommendation: To affirm the summary abatement action as set forth in the staff report.

c. **684 SOUTH 10TH STREET (261-01-094) SUMMARY ABATEMENT**

(Tony Gonzalez, Inspector/ Maritza Rodriguez “Property Owner”)

The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement and affirm the abatement found it necessary to secure the one (1) exterior wall opening to the detached garage to prevent unauthorized entry. Recommendation: To affirm the summary abatement action as set forth in the staff report.

5. **DEFERRED AND/OR CONTINUED ITEMS**

6. **PUBLIC HEARINGS**

a. **115 SOUTH 28TH STREET (467-35-091) SUMMARY ABATEMENT/ CONDEMNATION** (James Young, Inspector / Andre DeVargas & Diane DeVargas, Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement and affirm the abatement action and found it found it necessary to immediately condemn the storage shed in the rear yard of the subject property.

b. **5756 CONDOR CIRCLE (567-28-039) ADMINISTRATIVE REMEDY** (William Gerry, Inspector / Carmine Joseph Musumeci Anna Maria Musumeci Trustees or Their Successors in Trust, Under the Musumeci Living Trust, Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing to review the order requiring the property owner to install approved landscaping in the front yard.

7. **REQUEST FOR EXCUSED ABSENCE**

8. **OTHER BUSINESS**

9. **OPEN FORUM – ORAL COMMUNICATIONS FROM THE PUBLIC**

10. **ADJOURNMENT**

Next Board Meeting: December 10, 2015